

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BIOGEN INTERNATIONAL GMBH  
and BIOGEN MA INC.,

v.

AMNEAL PHARMACEUTICALS LLC, et  
al.,

Civil Action No. 17-823-LPS (Cons.)

BIOGEN MA INC.,

v.

IMPAX LABORATORIES, INC.,

C.A. No. 17-00826-LPS

BIOGEN INTERNATIONAL GMBH,

v.

IMPAX LABORATORIES, INC.,

C.A. No. 18-00350-LPS

**STIPULATION AND ORDER REGARDING VOLUNTARY DISMISSAL  
OF IMPAX LABORATORIES, INC. UNDER FED. R. CIV. P. 41(a)**

Plaintiffs Biogen International GmbH and Biogen MA Inc., (collectively, “Biogen” or “Plaintiffs”) brought the following actions against defendant Impax Laboratories, Inc. (“Impax”

or “Defendant”), alleging infringement of U.S. Patent Nos. 6,509,376 (“the ’376 patent”), 7,320,999 (“the ’999 patent”) and 8,399,514 (“the ’514 patent”) (collectively, the “Asserted Patents”): *Biogen MA Inc. v. Impax Laboratories, Inc.*, Case No. 1:17-cv-00826, filed June 26, 2017 and *Biogen International GmbH. v. Impax Laboratories, Inc.*, Case No. 1:18-cv-00350, filed March 5, 2018 (the “Impax Cases”). The Court later consolidated the Impax Cases with *Biogen International GmbH, et al. v. Amneal Pharmaceuticals LLC*, Case No. 1:17-cv-00823-LPS.

Biogen and Impax stipulate to dismissal of the Impax cases in accordance with the following terms and conditions set forth herein:

IT IS HEREBY STIPULATED, subject to approval of the Court:

1. Impax stipulates that it has withdrawn ANDA No. 210286.
2. By virtue of withdrawing ANDA No. 210286, Impax has certified that it will not launch its generic dimethyl fumarate products under ANDA No. 210286.
3. The parties agree to dismiss all claims, counterclaims and defenses in the Impax Cases, without prejudice.
4. The parties agree to cover their own costs and attorney fees relating to the Impax Cases.
5. This Stipulation grants no rights to Impax under any patents or other proprietary rights.
6. The Court retains jurisdiction over Impax for the limited purpose of enforcing the terms of this stipulation.

Dated: August 31, 2018

*/s/ Steven J. Balick*

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*/s/ David A. Bilson*

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IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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The Hon. Leonard P. Stark